



SO ORDERED,

A handwritten signature in black ink, appearing to read "Jason D. Woodard".

Judge Jason D. Woodard

United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

In re:

EURNELL HOYLE,

Case No.: 18-10097 JDW

DEBTOR.

Chapter 13

ORDER CONFIRMING CHAPTER 13 PLAN

The debtor's plan was filed on JANUARY 24, 2018, and amended/modified by subsequent order(s) of the court, if any. The plan was transmitted to creditors pursuant to Bankruptcy Rule 3015. The court finds that the plan meets the requirements of 11 U.S.C. § 1325.

IT IS ORDERED THAT:

1. The debtor's chapter 13 plan attached hereto is confirmed.
2. The following motions are granted *(if any)*:
 - a. Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims made under Rule 3012 (§ 3.2 of the plan);
 - b. Motion to avoid lien pursuant to Section 522 (§ 3.4 of the plan).
3. The stay under Section 362(a) is terminated as to the collateral only and the stay under Section 1301 is terminated in all respects regarding collateral listed in Section 3.5 of the plan *(if any)*.
4. All property shall remain property of the estate and shall vest in the debtor only upon entry of discharge. The debtor shall be responsible for the preservation and protection of all property of the estate not transferred to the trustee.
5. The debtor's attorney is awarded a fee in the amount of \$3,400.00 of which \$3,400.00 is due and payable from the estate.

##END OF ORDER##

Approved:

A handwritten signature in black ink, appearing to read "Robert H. Lomenick".

Attorney for the Debtor

Robert H. Lomenick, MSB 104186

Schneller & Lomenick, P.A.

Post Office Box 417, Holly Springs, MS 38635

662-252-3224 and rlomenick@gmail.com

Fill in this information to identify your case:	
Debtor 1	Eurnell Hoyle Full Name (First, Middle, Last)
Debtor 2 (Spouse, if filing)	Full Name (First, Middle, Last)
United States Bankruptcy Court for the	NORTHERN DISTRICT OF MISSISSIPPI
Case number: (If known)	18-10097

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Length of Plan.

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make payments to the trustee as follows:

Debtor shall pay 841.00 (☐ monthly, ☐ semi-monthly, ☒ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

Cook's Healthcare, LLC
Post Office Box 1228
New Albany, MS 38652

Debtor **Eurnell Hoyle**

Case number **18-10097**

Joint Debtor shall pay _____ (☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the joint debtor's employer at the following address:

2.3 Income tax returns/refunds.

Check all that apply

- ☒ Debtor(s) will retain any exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows: _____

2.4 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.1(a) Principal Residence Mortgages: All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

1 Mtg pmts to **Ditech**

Beginning **April, 2018** @ **\$440.47** ☒ Plan ☐ Direct. Includes escrow ☒ Yes ☐ No

1 Mtg arrears to **Ditech** Through **March, 2018** **\$8,645.11**

3.1(b) ☐ **Non-Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property **-NONE-**
address: _____

Mtg pmts to _____

Beginning month _____ @ _____ Plan Direct. Includes escrow Yes No

Property **-NONE-** Mtg arrears to _____ Through month _____

3.1(c) ☐ **Mortgage claims to be paid in full over the plan term:** Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: **-NONE-** Approx. amt. due: _____ Int. Rate*: _____

Property Address: _____

Principal Balance to be paid with interest at the rate above: _____

(as stated in Part 2 of the Mortgage Proof of Claim Attachment)

Portion of claim to be paid without interest: \$ _____

(Equal to Total Debt less Principal Balance)

Special claim for taxes/insurance: \$ **-NONE-** /month, beginning month _____

(as stated in Part 4 of the Mortgage Proof of Claim Attachment)

Mississippi Chapter 13 Plan

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* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District
Insert additional claims as needed.

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.
- ☒ Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 3091).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
1st Franklin Financial	\$15,659.13	456 Preston Lane Michigan City, MS 38647 Benton County 7 acres of land owned by Debtor's mother; Debtor is paying in full to protect his mother's property.	\$5,670.00	\$15,659.13	6.00%
Colom Brothers Used Cars	\$24,496.88	2013 Chevrolet Silverado Extended Cab 37,951 miles	\$18,425.00	\$18,425.00	6.00%
Republic Finance	\$4,246.45	2 Horse Trailer (\$300), 30-30 Rifle (\$250)	\$850.00	\$850.00	6.00%
Central Financial Services, Inc.	\$1,632.87	Electrolux Washer and Dryer	\$800.00	\$800.00	6.00%

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning month
None			

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

For vehicles identified in § 3.2: The current mileage is 37,951

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

Debtor Eurnell Hoyle Case number 18-10097

☐
☒

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of Creditor	Collateral	Amount of claim	Interest rate*
Auto Credit LLC	Chevrolet Camaro	\$24,456.61	6.00%
Colom Construction Co.	2015 Cadillac XTS	\$29,289.58	6.00%

*Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District.

Insert additional claims as needed.

3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

☐

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☒

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan unless the creditor files an objection on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). Debtor(s) hereby move(s) the court to find the amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Name of creditor	Property subject to lien	Lien amount to be avoided	Secured amount remaining	Type of lien	Lien identification (county, court, judgment date, date of lien recording, county, court, book and page number) UCC No.
Fidelity National Loans	2-Shotguns Single Barrel (\$100.00 each); 2-Pump Shot Guns (\$100.00 each); 9MIL Pistol (\$200.00)	\$600.00	\$0.00	Non-Purchase Money Security	UCC No. 20151718811A
First Heritage Credit	Murray Push Mower (\$50.00); C2380 Pistol (\$100.00); .25 Sedcp/RNT Pistol (\$40.00)	\$190.00	\$0.00	Non-Purchase Money Security	UCC No. 20141335245A and 20172228699A
First Metropolitan Financial Services	32" Zenith TV (\$200.00); 24" Zenith (\$200.00); .38 pistol (\$100.00); 22 Rifle (\$75.00); Murry Push Mower (\$0.00); .38 Caliber Pistol (\$0.00)	\$575.00	\$0.00	Non-Purchase Money Security	UCC No. 20131017172A and 20141505208B
Tower Loan of New Albany	Husavarna Riding Mower (\$0.00); Murray Push	\$480.00	\$0.00	Non-Purchase Money Security	UCC No. 20162038859A

Debtor Eurnell Hoyle Case number 18-10097

Name of creditor	Property subject to lien	Lien amount to be avoided	Secured amount remaining	Type of lien	Lien identification (county, court, judgment date, date of lien recording, county, court, book and page number)
	Mower (\$0.00); Craftsman Hedge Trimmer (\$30.00); 42" Magnovox TV (\$100.00); John Deere Garden Tiller (\$150.00); .22 Rifle (\$0.00); .25 Pistol (\$0.00); 30/06 Rifle (\$200.00); 2 - 12 Gauge Shot Guns (\$0.00); 9mm Pistol (\$0.00); .38 Pistol (\$0.00); .32 Revolver (\$0.00)				
Republic Finance	Refrigerator (\$75.00); Dryer (\$50.00); 6ft Chest Freezer (\$100.00); 4ft Chest Freezer (\$75.00); 12 Gauge Shot Gun (\$75.00); Husavarna Riding Mower (\$400.00); 12 Gauge Pump Shot Gun (\$0.00); 2-12 Gauge Shot Guns (\$0.00); .22 Rifle (\$0.00)	\$775.00	\$0.00	Non-Purchase Money Security	UCC No. 20131193141A and 20172185274B
1st Franklin Financial Corporation	Weedeater (\$50.00); Total Body Exercise Machine (\$100.00); 32" Zenith TV (\$0.00); 52" Zenith TV (\$100.00); Lune Queen Size Bedroom Furniture (\$200.00)	\$450.00	\$0.00	Non-Purchase Money Security	UCC No. 20120833559A, 20131018368B and 20141353134B

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

☐

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor _____

Collateral _____

Fidelity National Loans

2-Samsung Flat Screen TV, 32 Pistol

Debtor	<u>Eurnell Hoyle</u>	Case number	<u>18-10097</u>
	1st Heritage Credit		Craftsman riding mower; Dell Desktop Computer; 56" Panasonic TV; 12 gauge Harrington/Richardson Shotgun
	First Metropolitan Financial		Treadmill w/Arm Elliptical & Incline; 42" Cut John Deere Riding Mower; Murry Pressure Washer
	Tower Loan of New Albany		Weedeater Brand Weedeater; Nordietrac Treadmill; Magnovox Stereo System; Sony Stereo System
	1st Franklin Financial Corporation		Snapper Riding Mower; Yamaha Chain Saw; Sony Stereo System; Craftsman Pressure Washer; Desktop Computer with Accessories; HP Printer

Part 4: Treatment of Fees and Priority Claims

4.1 General
Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees
Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees.

☒ No look fee: 3,400.00

Total attorney fee charged: \$3,400.00

Attorney fee previously paid: \$0.00

Attorney fee to be paid in plan per confirmation order: \$3,400.00

☐ Hourly fee: \$____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ Internal Revenue Service \$10,679.71

☐ Mississippi Dept. of Revenue \$0.00

☐ Other \$0.00

4.5 Domestic support obligations.

☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☒
☐
☐

The sum of \$
100 % of the total amount of these claims, an estimated payment of \$____

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

Debtor **Eurnell Hoyle**

Case number **18-10097**

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately **\$0.00**. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☒ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Part 9: Signatures:

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X

Eurnell Hoyle
Signature of Debtor 1

Executed on **January 23, 2018**

103 North Road
Address
Holly Springs MS 38635-0000
City, State, and Zip Code

Telephone Number

X

Signature of Debtor 2

Executed on

Address
City, State, and Zip Code

Telephone Number

X

Robert H. Lomenick 104186
Signature of Attorney for Debtor(s)
126 North Spring Street
Post Office Box 417
Holly Springs, MS 38635
Address, City, State, and Zip Code
662-252-3224
Telephone Number
rlomenick@gmail.com
Email Address

Date **January 23, 2018**

104186 MS
MS Bar Number